



Attorney Docket No. 1867 P 025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
John J. Leonard, Steven Robert Ehardt, Newell Esmond,
Kurt Aaron Kreutzmann, Timothy J. Hamilton,
and John Konieczka

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)
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) Examiner:

Application No.: 10/046,451
Confirmation No.: 4714
Filed: January 14, 2002

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) Art Unit: 2856
)
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For: Mobile Pneumatic Apparatus & Method For
Testing a Container Seal

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)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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OFFICE OF PETITIONS

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM

This is a Petition in response to the Notice of Omitted Item in a Non-Provisional Application, mailed February 5, 2002. A copy of the Notice of Omitted Item is attached hereto as **Attachment A**. The Notice of Omitted Item indicates that the Continuation Patent Application has been accorded a filing date of January 14, 2002, however, page 23 of the specification was not received. Applicants contend that page 23 of the specification was in fact deposited in the Patent & Trademark Office with the Continuation Patent Application on January 14, 2002. A copy of page 23 of the specification is attached hereto as **Attachment B**. In support of this Petition, Applicants submit the following:

1. On January 14, 2002, Applicants filed a Continuation Patent Application (the "Application") under 37 C.F.R. §1.53(b) containing eighteen (18) pages of Specification, numbered 1-18; six (6) pages of Claims, numbered 19-24; one page

of Abstract, numbered 25; and, nine (9) sheets of informal Drawings, identified as Figures 1-4, 5A, 5B, 6-8, 9A, 9B, and 10-16.

2. A Transmittal sheet accompanied the filing of the Application. A copy of the Transmittal is attached hereto as **Attachment C**. In the Papers Enclosed section, the Transmittal itemized the contents of the Application, including the allegedly omitted page 23 of the specification which contains independent claim 21.
3. A Cover Page accompanied the filing of the Application. A copy of the Cover Page is attached hereto as **Attachment D**. In the Enclosures section, the Cover Page identified the total number of pages in the specification and the total number of claims.
4. A Postcard accompanied the filing of the Application. A copy of the Postcard is attached hereto as **Attachment E**. In the Enclosures section, the Postcard identified the total number of claims.
5. Applicants' patent counsel, Wallenstein & Wagner, Ltd., has retained a file copy of the Application as deposited with the Patent & Trademark Office. The file copy includes the allegedly omitted page 23 of the specification.
6. Enclosed herewith is a check for the petition fee of \$130 set forth in 37 C.F.R. § 1.17(i).

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Based upon the foregoing, Applicants contend that page 23 of the specification was in fact deposited in the Patent & Trademark Office with the Application on January 14, 2002. Accordingly, the original papers of the Application (*i.e.*, the original disclosure of the Application) should include eighteen (18) pages of Specification; six (6) pages of Claims; one (1) page of Abstract; and, nine (9) sheets of informal Drawings. Therefore, it is respectfully requested that this Petition be granted, and that the petition fee be refunded as provided by the Notice of Omitted Item.

Respectfully submitted,

Dated: 4/5/02

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231 on April 5, 2002.

Kathleen Rundquist
Kathleen Rundquist/144566.1